

PUBLIC SAFETY DEPARTMENT[661]

Adopted and Filed

Rule making related to military service and veteran reciprocity

The Public Safety Department hereby amends Chapter 278, “Military Service and Veteran Reciprocity for Fire Extinguishing and Alarm Systems Contractors and Installers,” and Chapter 506, “Military Service and Veteran Reciprocity,” Iowa Administrative Code.

Legal Authority for Rule Making

This rule making is adopted under the authority provided in Iowa Code section 272C.4.

State or Federal Law Implemented

This rule making implements, in whole or in part, Iowa Code chapter 272C.

Purpose and Summary

These amendments implement changes required by 2019 Iowa Acts, House File 288, section 4, providing for expedited licensure for spouses of active duty service members of the military forces of the United States.

Public Comment and Changes to Rule Making

Notice of Intended Action for this rule making was published in the Iowa Administrative Bulletin on April 8, 2020, as **ARC 5025C**. No public comments were received. No changes from the Notice have been made.

Adoption of Rule Making

This rule making was adopted by the Department on June 1, 2020.

Fiscal Impact

This rule making has no fiscal impact to the State of Iowa.

Jobs Impact

After analysis and review of this rule making, no impact on jobs has been found.

Waivers

Pursuant to the provisions of rule 661—10.222(17A), the Department does not have authority to waive requirements established by statute. Any person who believes that the application of the discretionary provisions of this rule making would result in hardship or injustice to that person may petition the Department for a waiver of the discretionary provisions, if any, pursuant to the provisions of rule 661—10.222(17A).

Review by Administrative Rules Review Committee

The Administrative Rules Review Committee, a bipartisan legislative committee which oversees rule making by executive branch agencies, may, on its own motion or on written request by any individual or group, review this rule making at its [regular monthly meeting](#) or at a special meeting. The Committee’s meetings are open to the public, and interested persons may be heard as provided in Iowa Code section 17A.8(6).

Effective Date

This rule making will become effective on August 5, 2020.

The following rule-making actions are adopted:

ITEM 1. Amend **661—Chapter 278**, title, as follows:

MILITARY SERVICE, AND VETERAN RECIPROCITY, AND SPOUSES OF ACTIVE DUTY SERVICE MEMBERS FOR FIRE EXTINGUISHING AND ALARM SYSTEMS CONTRACTORS AND INSTALLERS

ITEM 2. Adopt the following **new** definition of “Spouse” in rule **661—278.1(272C)**:

“*Spouse*” means a spouse of an active duty service member of the military forces of the United States.

ITEM 3. Amend rule 661—278.3(272C) as follows:

661—278.3(272C) Veteran and spouse of active duty service member reciprocity.

278.3(1) A veteran or a spouse with a fire protection or alarm system license in another jurisdiction may apply for licensure in Iowa through reciprocity, based on the reciprocity procedures for fire protection and alarm systems licensees as set out in the administrative rules in effect at the time that the ~~military service~~ application is made, and in compliance with any agreements with other jurisdictions regarding reciprocity. A fully completed licensure application submitted by a veteran or a spouse under this subrule is to be given priority and is expedited.

278.3(2) A licensure application shall contain all of the information required of all ~~military service~~ applicants for licensure who hold unrestricted licenses in other jurisdictions and who are applying for licensure by reciprocity. This information includes, but is not limited to, completion of all required forms, payment of applicable fees, disclosure of criminal or disciplinary history and, if applicable, a criminal history background check. In addition, the ~~veteran applicant~~ shall provide such documentation as is reasonably needed to verify the ~~veteran’s applicant’s~~ status as a veteran under Iowa Code section 35.1(2) or spouse of an active duty service member of the military forces of the United States.

278.3(3) Upon receipt of a fully completed licensure application, the division shall promptly determine if the licensing requirements of the jurisdiction where the ~~veteran applicant~~ is licensed are substantially equivalent to the licensing requirements in Iowa. The division shall make this determination based on information supplied by the ~~veteran applicant~~ and additional information the division may acquire from the applicable jurisdiction. The division may consider the following factors in determining substantial equivalence: scope of practice, education and coursework, degree requirements, and postgraduate experiences.

278.3(4) The division shall promptly grant a license to the ~~veteran applicant~~ if the ~~veteran applicant~~ is licensed in the same or similar profession in another jurisdiction whose licensure requirements are substantially equivalent to the licensing requirements in Iowa, unless the ~~veteran applicant~~ is ineligible for licensure based on other grounds, such as the ~~veteran’s applicant’s~~ disciplinary or criminal history.

278.3(5) If the division determines that the licensing requirements of the jurisdiction in which the ~~veteran applicant~~ is licensed are not substantially equivalent to the licensing requirements in Iowa, the division shall promptly inform the ~~veteran applicant~~ of the additional experience, education, or examinations required for licensure in Iowa. Unless the ~~veteran applicant~~ is ineligible for licensure based on other grounds, such as disciplinary or criminal history, the following shall apply:

a. If a ~~veteran an applicant~~ has not obtained the required certification for licensure, the ~~veteran applicant~~ may not be issued a provisional license but may request that the licensure application be placed in pending status for up to one year, or as mutually agreed upon, to provide the ~~veteran applicant~~ with the opportunity to satisfy the certification requirements.

b. If additional experience or education is required for the ~~veteran’s applicant’s~~ qualifications to be considered substantially equivalent, the ~~veteran applicant~~ may request that the division issue a provisional license for a specified period of time, during which the ~~veteran applicant~~ will successfully complete the necessary experience or education. The division shall issue a provisional license for a

specified period of time upon such conditions as the division deems reasonably necessary to protect the health, welfare, or safety of the public unless the division determines that the deficiency is of a character that the public health, welfare, or safety will be adversely affected if a provisional license is granted.

c. If a request for a provisional license is denied, the division shall notify the ~~veteran~~ applicant in writing, explaining the decision, and shall inform the ~~veteran~~ applicant of the steps the ~~veteran~~ applicant may take in order to receive a provisional license.

d. No change.

278.3(6) ~~A veteran~~ An applicant who is aggrieved by the division's decision to deny an application for a reciprocal license or a provisional license or is aggrieved by the terms under which a provisional license will be granted may request a contested case (administrative hearing) and may participate in the contested case by telephone. A request for a contested case shall be made within 30 days of the issuance of the division's decision. There are no fees or costs assessed against the ~~veteran~~ applicant in connection with a contested case conducted pursuant to this subrule.

ITEM 4. Amend **661—Chapter 506**, title, as follows:

**MILITARY SERVICE, ~~AND~~ VETERAN RECIPROCITY, AND SPOUSES OF ACTIVE DUTY
SERVICE MEMBERS FOR ELECTRICIANS AND ELECTRICAL CONTRACTORS**

ITEM 5. Amend rule 661—506.1(85GA,ch1116) as follows:

661—506.1(85GA,~~ch1116~~ 272C) Definitions.

“Board” means the electrical examining board established in Iowa Code section 103.2.

“Military service” means honorably serving on federal active duty, state active duty, or national guard duty, as defined in Iowa Code section 29A.1; in the military services of other states, as provided in 10 U.S.C. Section 101(c); or in the organized reserves of the United States, as provided in 10 U.S.C. Section 10101.

“Military service applicant” means an individual requesting credit toward licensure for military education, training, or service obtained or completed in military service.

“Spouse” means a spouse of an active duty service member of the military forces of the United States.

“Veteran” means an individual who meets the definition of “veteran” in Iowa Code section 35.1(2).

ITEM 6. Amend rule **661—506.2(85GA,~~ch1116~~)**, parenthetical implementation statute, as follows:

661—506.2(85GA,~~ch1116~~ 272C) Military education, training, and service credit.

ITEM 7. Amend rule 661—506.3(85GA,ch1116) as follows:

661—506.3(85GA,~~ch1116~~ 272C) Veteran and spouse of active duty service member reciprocity.

506.3(1) A veteran or a spouse with an electrical license in another jurisdiction may apply for licensure in Iowa through reciprocity, based on the reciprocity procedures for licensed electricians as set out in the administrative rules in effect at the time that the application is made, and in compliance with any agreements with other jurisdictions regarding reciprocity. A veteran or a spouse must pass any examinations required for licensure to be eligible for licensure through reciprocity. A fully completed application for licensure submitted by a veteran or a spouse under this subrule shall be given priority and shall be expedited.

506.3(2) An application shall contain all of the information required of all applicants for licensure who hold unrestricted licenses in other jurisdictions and who are applying for licensure by reciprocity, including, but not limited to, completion of all required forms, payment of applicable fees, disclosure of criminal or disciplinary histories and, if applicable, a criminal history background check. In addition, the applicant shall provide such documentation as is reasonably needed to verify the applicant's status as a veteran under Iowa Code section 35.1(2) or spouse of an active duty service member of the military forces of the United States.

506.3(3) Upon receipt of a fully completed licensure application, the board shall promptly determine if the licensing requirements of the jurisdiction where the ~~veteran~~ applicant is licensed are

substantially equivalent to the licensing requirements in Iowa. The board shall make this determination based on information supplied by the applicant and such additional information as the board may acquire from the applicable jurisdiction. The board may consider the following factors in determining substantial equivalence: scope of practice, education and coursework, degree requirements, and postgraduate experiences.

506.3(4) The board shall promptly grant a license to the ~~veteran~~ applicant if the ~~veteran~~ applicant is licensed in the same or similar profession in another jurisdiction whose licensure requirements are substantially equivalent to those required in Iowa, unless the applicant is ineligible for licensure based on other grounds, for example, the applicant's disciplinary or criminal background.

506.3(5) If the board determines that the licensure requirements in the jurisdiction in which the ~~veteran~~ applicant is licensed are not substantially equivalent to those required in Iowa, the board shall promptly inform the ~~veteran~~ applicant of the additional experience, education, or examinations required for licensure in Iowa. Unless the applicant is ineligible for licensure based on other grounds, such as disciplinary or criminal background, the following shall apply:

a. If a ~~veteran~~ an applicant has not passed the required examination(s) for licensure, the ~~veteran~~ applicant may not be issued a provisional license but may request that the application be placed in pending status for up to one year or as mutually agreed to provide the ~~veteran~~ applicant with the opportunity to satisfy the examination requirements.

b. to d. No change.

506.3(6) ~~A veteran~~ An applicant who is aggrieved by the board's decision to deny an application for a reciprocal license or a provisional license or is aggrieved by the terms under which a provisional license will be granted may request a contested case (administrative hearing) and may participate in a contested case by telephone. A request for a contested case shall be made within 30 days of issuance of the board's decision. There shall be no fees or costs assessed against the ~~military-service~~ applicant in connection with a contested case conducted pursuant to this subrule.

ITEM 8. Amend **661—Chapter 506**, implementation sentence, as follows:

These rules are intended to implement 2014 Iowa Acts, ~~chapter 1116, division VI~~ Iowa Code chapter 272C.

[Filed 6/10/20, effective 8/5/20]

[Published 7/1/20]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 7/1/20.